

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

MICHAEL JOHNSON,

Plaintiff,

v.

**9:21-CV-335
(TJM/DJS)**

LEE and SMITH,

Defendants.

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION and ORDER

I. INTRODUCTION

This pro se civil rights action was referred to the Hon. Daniel J. Stewart, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and N.D.N.Y.72.3(c). Judge Stewart reviewed Defendants' Motion for Summary Judgment seeking to dismiss the Complaint in its entirety. Dkt. No. 35. Judge Stewart recommends that the motion be granted and the Complaint dismissed. See Report-Recommendation and Order, Dkt. No. 39. No objections to the Report-Recommendation and Order have been filed, and the time to do so has expired.

II. DISCUSSION

After examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice.

III. CONCLUSION

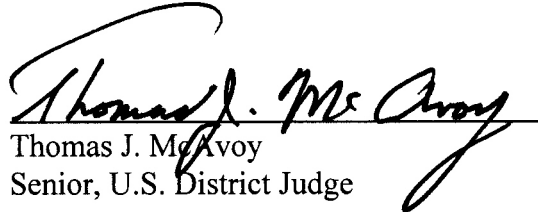
Accordingly, the Court **ACCEPTS** and **ADOPTS** the Report-Recommendation and Order (Dkt. No. 39) for the reasons stated therein. Therefore, it is hereby

ORDERED that Defendants' Motion for Summary Judgment (Dkt. No. 35) is **GRANTED**; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED**.

IT IS SO ORDERED.

Dated: September 5, 2023


Thomas J. McAvoy
Senior, U.S. District Judge